1	BILL LOCKYER, Attorney General		
2	of the State of California JOSE R. GUERRERO Supervising Deputy Attorney General CATHERINE E. SANTILLAN Senior Legal Analyst California Department of Justice		
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4			
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
6	Telephone: (415) 703-5579 Facsimile: (415) 703-5480		
7	Legal Representatives for Complainant		
8	BEFORE THE DESDIDATORY CARE BOARD		
9	RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. R-2014	
12	SHAUN KOEN 8568 12 th Avenue	STIPULATED SURRENDER OF LICENSE AND ORDER	
13	Hanford, CA 93230		
14	Respiratory Care Practitioner License No. 22734		
15	Respondent.		
16			
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this		
18	proceeding that the following matters are true:		
19	<u>PARTIES</u>		
20	1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory		
21	Care Board of California. She brought this action solely in her official capacity and is represented		
22	in this matter by Bill Lockyer, Attorney General of the State of California, by Catherine E.		
23	Santillan, Senior Legal Analyst.		
24	2. Shaun Koen (Respondent) is representing himself in this proceeding and		
25	has chosen not to exercise his right to be represented by counsel.		
26	3. On or about December 24, 2002, the Respiratory Care Board of California		
27	issued Respiratory Care Practitioner License No. 22734 to Shaun Koen (Respondent). The		
28	License expired on May 31, 2005, and has not been	renewed.	

<u>JURISDICTION</u>

4. Accusation No. R-2014 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 3, 2006. Respondent has not timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. R-2014 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations
 Accusation No. R-2014. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. R-2014, agrees that cause exists for discipline and hereby surrenders his Respiratory Care Practitioner License No. 22734 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Respiratory Care Practitioner License without further process.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Respiratory Care Bo	oard.
Respondent understands and agrees that counsel for Complainant and the staff of the Respira	atory
Care Board of California may communicate directly with the Board regarding this stipulation	and
surrender, without notice to or participation by Respondent. By signing the stipulation,	
Respondent understands and agrees that he may not withdraw his agreement or seek to rescir	nd
the stipulation prior to the time the Board considers and acts upon it. If the Board fails to ad-	opt
this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order sha	ıll be
of no force or effect, except for this paragraph, it shall be inadmissible in any legal action bety	veen
the parties, and the Board shall not be disqualified from further action by having considered the	his
matter.	
II	

- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 22734, issued to Respondent Shaun Koen is surrendered and accepted by the Respiratory Care Board.

- 13. The surrender of Respondent's Respiratory Care Practitioner License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 14. Respondent shall lose all rights and privileges as a respiratory care practitioner in California as of the effective date of the Board's Decision and Order.
 - 15. Respondent shall cause to be delivered to the Board both his License and

1 pocket license certificate on or before the effective date of the Decision and Order. 2 16. Respondent fully understands and agrees that if he ever files an application 3 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a 4 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures 5 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the 6 charges and allegations contained in Accusation No. R-2014 shall be deemed to be true, correct 7 and admitted by Respondent when the Board determines whether to grant or deny the petition. 8 17. Should Respondent ever apply or reapply for a new license or certification, 9 or petition for reinstatement of a license, by any other heath care licensing agency in the State of 10 California, all of the charges and allegations contained in Accusation No. R-2014 shall be deemed 11 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any 12 other proceeding seeking to deny or restrict licensure. 13 18. Respondent shall pay to the Board its costs of investigation and 14 enforcement in the amount of \$1,545.00 (one thousand five hundred forty five dollars) on the 15 effective date of the Board's Decision and Order. 16 **ACCEPTANCE** 17 I have carefully read the Stipulated Surrender of License and Order. I understand 18 the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into 19 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree 20 to be bound by the Decision and Order of the Respiratory Care Board. 21 DATED: February 25, 2005 22 23 Original signed by: Shaun Koen 24 Respondent 25 26 /// 27 /// 28 ///

1	<u>ENDORSEMENT</u>	
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully	
3	submitted for consideration by the Respiratory Care Board of the Department of Consumer	
4	Affairs.	
5		
6	DATED: March 2, 2006	
7		
8	BILL LOCKYER, Attorney General of the State of California	
9	of the state of Camorina	
10	Original signed by:	
11	Original signed by: CATHERINE E. SANTILLAN Senior Legal Analyst	
12	Attorneys for Complainant	
13		
14	DOJ Matter ID: SF2005401681 koen.s.stip surrender.wpd	
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BEFORE THE RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. R-2014
SHAUN KOEN 8568 12 th Avenue Hansford, CA 93230	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on May 5, 2006.

It is so ORDERED April 25, 2006.

Original signed by:
LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA